**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION NO. 17545 of 2001**

**DATE: 24-10-2007**

Between :

Bonela Appala Swamy and 2 others

… Petitioners

And

The Mandal Revenue Officer,
Palasa Mandal,
Srikakulam District and 2 others.

… Respondents

**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION NO. 17545 of 2001**

**ORDER:**

The petitioners herein are among 68 persons who were assigned land to an extent of Ac.0.05 cents each for the purpose of houses under the Weaker Sections Housing Scheme. It is stated that from the date of the initial assignment in the year 1958, the petitioners have been in uninterrupted possession and enjoyment of the houses constructed thereupon. While so, in the year 1997 the second respondent while alleging that the petitioners were encroachers, issued notices to the petitioners calling upon them to pay a sum of Rs.1,45,770/- i.e. at the rate of Rs.430/- per square yard for regularization of the house sites in their occupation.

Aggrieved by the same, this writ petition is filed contending inter alia that the alleged encroachment is absolutely false and that since the petitioners are the original assignees in whose favour the assignment was granted on 27-06-1958, the impugned action of the respondents is arbitrary and illegal. The petitioners have also relied upon the proceedings of the Mandal Revenue Officer, Palasa, dated 18-09-2000, whereunder it was recommended that the assignees who were granted pattas long back in the year 1958 were entitled for exemption from the payment of market value.

I have heard the learned counsel for the petitioners as well as the learned Government Pleader appearing for the respondents.

Though no counter affidavit is filed on behalf of the respondents, it is brought to my notice by the Government Pleader that in identical circumstances W.P.No.31750 of 1998 filed by one of the

assignees, similarly situated, was disposed of directing the respondents to consider the representation of the petitioner therein and pass appropriate orders.

As could be seen from the material on record, the representation made by the petitioners seeking exemption from payment of the market value of the land in their occupation is still under consideration.

In the circumstances, without expressing any opinion as to the entitlement of the petitioners, the writ petition is disposed of with a direction to the respondents to consider the representation of the petitioners and pass appropriate orders in accordance with law as to the request of the petitioners for grant of exemption from payment of market value for the respective lands in their occupation. No costs.

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G. ROHINI, J

Date: 24-10-2007
KLP